

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Donner et al. Art Unit : 2157
Serial No. : 09/624,191 Examiner : Hussein A. El Chanti
Filed : July 24, 2000
Title : INSTANT MESSAGING CLIENT HAVING AN EMBEDDED BROWSER

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JANUARY 30, 2006

Claims 1-38 are pending with claims 1, 12, 17, and 21-26 being independent. Reconsideration and allowance of this application are requested in view of the amendments and the following remarks.

Independent claims 1, 12, 17 and 21-26, along with their dependent claims 3, 6-11, 13-16, 18-20, and 27-38 have been rejected under §102(e) as being anticipated by Tsimelzon (U.S. Patent No. 6,834,306). Applicants respectfully traverse this rejection.

Claims 1, 12, and 17 each recite “creating a user profile including a request to receive at least one alert corresponding to a state change at a remote server ... instructing the *remote server* to generate an alert feed *in response to the remote server detecting the state change*” (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claims 1, 12, and 17, and their dependent claims 3, 6-11, 13-16, 18-20, and 27-38, because Tsimelzon does not describe or suggest instructing a *remote server* to generate an alert feed in response to *the remote server detecting a change in state at the remote server*.

As stated in the response to the Office Action mailed on February 22, 2005 and the Office Action mailed on July 13, 2005, Tsimelzon describes a system that enables a user to specify certain web pages (and portions thereof) of interest, monitors the user-specified web pages (and portions thereof) by periodically accessing the web pages in accordance with a user specified notification frequency, and notifies the user if the contents of the web pages (and portions thereof) have changed in accordance with user-specified criteria. Specifically, a user designates a portion or block of a web page to be tracked, a notification frequency for that block (e.g., check for a change in the block contents every hour), and a notification condition (e.g.,

block $B < \$30$). A server 120 retrieves a web page from a web page server 132, 134, 136 at regular intervals of time in accordance with the notification frequency (e.g., each hour), finds the block of the web page designated by the user for tracking, and checks whether the notification condition set by the user has been met (e.g., is block $B < \$30$?). If the notification condition has been met (e.g., block B is less than \$30), the server 120 sends a notification to the user. See Fig. 18(b); col. 11, line 64 to col. 12, line 67. If the notification condition has not been met, the server 120 does not send a notification to the user.

The Final Office Action first seems to attempt to equate the recited remote server with the web page server 132, 134, 136 of Tsimelzon and then seems to attempt to equate the recited remote server with the server 120 of Tsimelzon. Neither construction, however, invalidates the claims.

In asserting that Tsimelzon meets the limitation “creating a user profile including a request to receive at least one alert corresponding to a change in state at the remote server,” the Final Office Action apparently equates the recited remote server with the web page server 132, 134, 136 by stating: “col. 1, lines 50-60, user selects portions of webpages to be notified in response to a change.” However, under such a construction, Tsimelzon fails to meet the limitation “instructing the *remote server* to generate an alert feed *in response to the remote server detecting the state change*” (emphasis added). As stated in the response to the Office Action mailed on July 13, 2005, the web page server 132, 134, 136 does not detect a state change. Rather, web page server 132, 134, 136 merely and consistently replies to periodic requests from server 120 with web page information, without checking for or otherwise conditioning its response on state changes. Accordingly, the web page server 132, 134, 136, which the Examiner equates to the recited remote server, is not instructed to generate an alert feed in response to detection by the web page server 132, 134, 136 of a state change at the web page server 132, 134, 136.

In the Response to Arguments section of the Final Office Action, however, the Examiner seems to change his construction by apparently equating the server 120, rather than the web page

server 132, 134, 136, with the recited remote server.¹ The server 120, however, is not instructed to generate an alert feed in response to detection by server 120 of a state change at server 120. Rather, server 120 is instructed to generate and send a notification to a user in response to detection by server 120 of a change in web page contents at the web page server 132, 134, 136. Moreover, equating server 120 with the recited remote server does not meet the limitation “creating a user profile including a request to receive at least one alert corresponding to a change in state at the remote server.” In particular, the user of Tsimelzon’s system submits requests to receive alerts of web page content changes at web page servers, which, according to the Examiner, are captured in a user profile. In contrast, Tsimelzon does not describe or suggest that the user submits requests to receive alerts of changes at the server 120; rather, the server 120 is simply a notification vehicle used to detect and notify the user of the requested user-specified web page content changes that occur at the web page servers.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claims 1, 12, and 17, and their dependent claims 3, 6-11, 13-16, 18-20, and 27-38.

Claims 21, 22, 24, and 25 each recite “creating a user profile including a request to receive at least one alert corresponding to a state change at the remote server ... instructing the *remote server* to broadcast alert feeds *in response to changes of state at the remote server*” (emphasis added), and claims 23 and 26, as amended, each recite a host configured to “instruct the *remote server* to broadcast alert feeds *in response to changes of state at the remote server*” (emphasis added) and a client configured to “create a user profile including a request to receive at least one alert corresponding to a state change at the remote server.” For at least the reasons described above for claims 1, 12, and 17, applicants request reconsideration and withdrawal of the rejection of claims 21-26 because Tsimelzon does not describe or suggest instructing a *remote server* to broadcast alert feeds *in response to changes of state at the remote server*.

Claims 2, 4, and 5 have been rejected as being unpatentable over Tsimelzon in view of Atsmon (U.S. Patent No. 6,607,136). Claims 2, 4, and 5 depend from claim 1. Atsmon does not

¹ Notably, in the Response to Arguments section of the Final Office Action, the Examiner asserts: “Therefore, the server 120 broadcasting notifications to clients taught by Tsimelzon meets the scope of the claimed limitation ‘instructing the remote server to broadcast alert feeds including information about the state of the remote server’” (emphasis added) The Examiner has apparently misquoted the claimed limitation which states “instructing the remote server to broadcast alert feeds in response to the remote server detecting the state change” (emphasis added).

remedy the failure of Tsimelzon to describe or suggest instructing a *remote server* to generate an alert feed *in response to the remote server detecting a change in state at the remote server*.

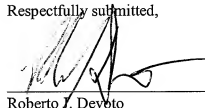
Accordingly, applicants request reconsideration and withdrawal of the rejection of claims 2, 4, and 5.

Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$910 in payment of the Request for Continued Examination fee (\$790) and the Petition for Extension of Time fee (\$120) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/30/06



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